

## REMARKS

The Examiner in the Official Action rejected Claim 7 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, of the unit of measure for "20" was inadvertently omitted. By this amendment, Applicant has amended claim 7 by the addition of the word "micron" after 20. Thus, it is clear the units of measure are regarding the size of the micro discrete continuous tone images.

The Examiner rejected Claims 1 and 4 under 35 U.S.C. 102(b) as being anticipated by Brugada for the reasons set forth therein. The present invention is directed to a unique way of making a continuous tone image that is extremely small. The prior art cited by the Examiner, i.e. the Brugada reference, is directed simply to providing small images on the media for the purpose of verification. In particular, it is stated that these images can be readily visible under (see column 1, lines 45-46, and column 3, lines 33-34.) The images provided are designed to be viewed even under normal viewing conditions. While these images cannot be clearly read under normal viewing conditions they certainly would detract from the visual appearance of the article. The images in the cited reference, as can be seen by column 3, lines 56-65, the images when copied result in producing a blot. (See also column 2, lines 55-59.) This is in total contrast to the present invention where the micro images are designed not to detract from the original prints of the article. (See page 4, lines 25-27 of the present application.) In the present invention the size of the particles are stated to being from about 2 to 20 microns. (See page 4, lines 12-13.) Images in the present invention are made by near-field optics. Applicants are not aware of any other technique to produce images that are as small as in the present invention. It is to be understood that the particles that contain the images which are typically less than 10 microns. There is nothing in the prior art that teaches or suggests providing extremely small particles on which extremely small images are produced as taught and claimed by Applicant. The articles to which Brugada is directed is a typical printed sheet which is in contrast to the extremely small particles to which the present invention is directed. The use of near-field optics allows the production of continuous tone images that are extremely small. There is no teaching or suggestion in Brugada that such

images could be produced, in fact, Brugada simply teaches the ordinary producing of images by standard printing techniques. The present invention is not directed to simply a mere change in size but to a new and distinct product not taught or suggested in prior art. As previously discussed, the present invention is directed to extremely small micro discrete particles having extremely small images thereon, the size of which are not anticipated by the prior art nor could they be made by any technique taught or suggested by the cited references. Thus, the prior art reference could not teach or suggest the present invention. Further, in order to anticipate the present invention, each and every element must be taught. Clearly the Brugada reference could not teach these small particles or how these particles could be made, more less the images that are produced thereon.

The Examiner has also rejected Claims 2, 3 and 5-7 under 35 U.S.C. 103(a) as being unpatentable over Brugada for reasons set forth therein. Applicants have already discussed how the prior art does not anticipate the present invention. Further, as previously discussed the prior art cited could not teach or suggest the invention for the reasons set forth above.

#### CONCLUSION

It is respectfully submitted, therefore, that in view of the above amendments and remarks, that this application is now in condition for allowance, prompt notice of which is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is captioned "Version With Markings To Show Changes Made".

Respectfully submitted,



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**Version With Markings To Show Changes Made**

**In the Claims:**

Claims 1 and 7 have been amended as set forth below:

1. (Once Amended) A method of making a continuous tone image, comprising the steps of:  
making at least one micro discrete continuous tone image on a photosensitive media wherein said discrete continuous tone image is formed on a photosensitive media using near-field optics.
  
7. (Once Amended) A product having a plurality of micro discrete continuous tone images placed thereon by near-field optics, said continuous tone image each having a size no greater than about 20 microns.

Claim 4 has been cancelled.